

ORDINANCE NO. 1347

AN ORDINANCE OF THE CITY OF LODI
REPEALING ORDINANCE NO. 1306 AND REENACTING A NEW ORDINANCE
REGULATING THE USE AND OPERATION OF AMBULANCES UPON
THE PUBLIC STREETS WITHIN THE CITY OF LODI.

THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

(a) The term "Ambulance" shall mean any privately-owned vehicle equipped or used for transporting the sick or injured, in need of immediate medical attention, as described in Title 13, California Administrative Code, Section 1100.2(a) and 1100.2(b).

(b) The term "Ambulance Provider" shall mean a person, firm, partnership, corporation, or other organization which furnished or offers to furnish ambulance service within the City.

(c) The term "Ambulance Service" shall mean the activity, business or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance on or in any of the streets, roads, highways, alleys, or any public way or place in this City.

(d) The term "Ambulance Station" shall mean the premises located within a City from which the ambulance or ambulances shall be housed and operated.

(e) The term "City" means the City of Lodi.

(f) The term "Emergency Call" shall mean a request for an ambulance to transport or assist persons in apparent sudden need of medical attention; or, in a medical emergency, as determined by a physician, to transport blood, any therapeutic device, accessory to such device, or tissue or organ for transplant.

(g) The term "Emergency Medical Technician 1(A)" shall mean a person certified per State guidelines to care for the sick, injured, or disabled.

(h) The term "Emergency Medical Technician - Paramedic" shall mean an individual who is a mobile intensive care paramedic educated and trained in all elements of prehospital advanced life support and whose scope of practice to provide advanced life support is in accordance with the standards prescribed by the Emergency Medical Services Authority State of California and has a valid certificate.

(i) The term "Emergency Service" shall mean the function performed in response to an emergency call. Emergency service also includes transportation of a body for the purpose of making an anatomical gift.

(j) The term "Finance Director" means the Finance Director of the City of Lodi.

(k) The term "Mobile Intensive Care Unit" shall mean an ambulance to handle emergency calls and perform medical care as prescribed by the San Joaquin County Emergency Medical Services authority.

(1) The term "Person" shall mean any natural person, firm, partnership, association, company, corporation, or organization of any kind.

Section 2. Permit Required.

It shall be unlawful for any person to engage in the business of operating an ambulance in the City of Lodi without first securing a permit to do so from the Finance Director according to each and every requirement of this ordinance and without complying with each and every regulation contained in this ordinance pertaining to the business of carrying or transporting wounded, injured, or sick persons for hire; provided however, that no permit shall be required of any person who delivers but does not pick up wounded, injured, or sick persons in the City to deliver to a point outside the City. Each permittee and ambulance operator shall employ only those persons who have obtained an ambulance driver's permit issued by the Department of Motor Vehicles of the State of California.

Section 3 - Application for Permit.

The ambulance operator upon the filing with the Finance Director of his/her application for ambulance operators permit may obtain an application for a permit required by Section 2 of this ordinance by the payment of a fee to the Finance Director, in an amount to be determined by resolution as adopted from time to time by the City Council. The application shall be signed by the applicant and shall set forth:

(a) The name, business, and address of the applicant.

(b) The name and address of all persons financially interested in the ambulance business. (The term "financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue).

(c) The name under which the applicant has engaged, does, or proposes to engage in ambulance service.

(d) A statement that the applicant **owns** or 'has under his control, in good mechanical condition, required equipment to consistently provide quality ambulance service in the area for which he is applying, and that the applicant owns or has access to suitable facilities for maintaining his equipment in a clean and sanitary condition.

(e) A list, amended as required during the year for any personnel changes, giving the name and a description of the training for each ambulance attendant and driver and a copy of each certificate or license issued by the State or County establishing qualifications of such personnel in the ambulance.

(f) A description of the company's training and orientation programs for attendants, dispatchers, and drivers;

(g) Provisions, if any, for continuing education of **EMT-I A's**.

(h) The number and type, age, condition, and patient capacity of each ambulance proposed to be operated by the applicant, stating the make and year of the manufacture.

(i) The fact that such ambulances comply with Vehicle Code Sections 2416 and 2418.5, and Title 13 of the California Administrative Code as well as all other State laws and orders applicable to the licensing of emergency vehicles.

(j) The color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the private ambulance or private ambulances of the applicant..

(k) The location and description of the place or places from which it is intended to operate and the vehicles are to be stored.

(l) The schedule of rates proposed to be charged for ambulance service.

(m) The experience of the applicant in the transportation of wounded, injured, and sick persons.

(n) The fact that all operators of ambulance or ambulances shall hold ambulance drivers' certificates issued by the Department of Motor Vehicles of the State of California.

Section 4. Investigation of Application, Grounds for Denial or Approval

Upon the filing of an application for an owner's permit, the City Manager shall direct the Chief of Police to cause an investigation to be made of said applicant. The Chief of Police shall require the applicant or any person named in the application to be fingerprinted and photographed.

The City Manager shall initially deny the permit application within forty (40) days of the date of the filing of the completed application if the City Manager finds:

(1) That the applicant has been convicted of a felony and the period of five years has not expired from the date of termination of the confinement, parole and/or probation; or

(2) Said applicant has previously been' convicted of one of the following misdemeanor violations and a period of three years has not elapsed from the date of termination of confinement, parole and/or probation:

- a) Any theft from a person.
- b) Any crime involving driving a vehicle under the influence of alcohol and/or drugs.
- c) Any crime involving reckless driving.
- d) Any crime involving death and/or injury of another person while driving a vehicle.

(3) The applicant does not show financial responsibility.

(4) The applicant has not complied with the matters contained in the application.

If the application is not initially denied, then it shall be considered a completed application, if the City Manager finds the following:

(1) That the vehicles described in the application and proposed to be used comply with all pertinent State laws.

(2) That the color scheme, insignia, name, monogram, or other distinguishing characteristics proposed to be used upon such ambulance or ambulances is not in conflict with and does not imitate any color scheme, insignia, name, monogram or other distinguishing characteristics used by any other person, in such manner as to mislead or tend to mislead, deceive, or defraud the public.

(3) That the applicant will meet the criteria set forth in this ordinance for operating an ambulance business within the City of Lodi.

Section 5 - Appeal from Denial

The action of the City Manager in initially denying a permit application shall be subject to an appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the denial of the permit. Upon failure to file such notice within the ten-day period, the action of the City Manager in denying such permit application shall be final and conclusive.

Section 6 - Council Hearing.

Upon the filing of a fully completed application for the permit to engage in the business of operating an ambulance, and receipt of the report of the City Manager that the application is complete, the City Clerk shall present the application to the City Council who shall fix a time for a public hearing thereon for the purpose of determining whether the public convenience and necessity require the proposed service. No permit shall be granted until the Council shall, after investigation and hearing, declare by resolution that the public convenience and necessity require the proposed service

and that the same will promote the convenience, safety, and welfare of the general public.

Section 7 - Notice of Hearing

Notice of such hearing shall be given to all persons to whom permits for operation of ambulances have been theretofore issued. Notice of the time and place of the public hearing before the City Council shall also be given to the general public by causing a Notice of such hearing to be published in a newspaper of general circulation in the City. One publication shall be made at least five (5) days before the hearing.

Section 8 - Issuance of Ambulance Operator's Permit

Upon the completion of the investigation and hearing, the City Council shall grant the applicant a permit if it finds the following:

(1) That the vehicles described in the application and proposed to be used comply with all pertinent state laws.

(2) That the color scheme, insignia, name, monogram, or other distinguishing characteristics proposed to be used upon such ambulance or ambulances is not in conflict with and does not imitate any color scheme, insignia, name, monogram or other distinguishing characteristics^a used by any other person, in such manner as to mislead or tend to mislead, deceive, or defraud the public.

(3) That the application is complete and that the applicant will meet the criteria set forth in this chapter for operating an ambulance business within the city.

(4) That further ambulance service in the City is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform ambulance service and to conform to the provisions of this ordinance, and such rules and regulations as may be promulgated by the City Council. In making such finding the City Council shall take into consideration the number of ambulances already in operation, whether existing ambulance service is adequate to meet the public need, the probable effect of increased ambulance service on local traffic conditions, and the character, experience, and responsibility of the applicant.

Section 9. - Form of Ambulance Operator's Permit.

If the City Council, by resolution shall find and declare that public convenience and necessity require the proposed ambulance service or will admit additional ambulance service, a permit to that effect shall be issued by the Finance Director to the person or persons entitled thereto, and the City Council in its discretion may determine the total number of ambulances which may be operated under such permit. The permit when issued shall state the name and address of the applicant, the number of ambulances that may be operated under said permit, and the date of issuance thereof. No permit authorized hereunder shall be issued to any person who shall not have fully complied with all the requirements of this ordinance.

Section 10. Duration of Ambulance Operator's Permit.

Every ambulance operator's permit issued pursuant to the provisions of this part shall continue until revoked, subject to revocation in the manner prescribed in this part. It shall not be transferable except as provided by this Part.

Section 11. Business License Required.

No ambulance operator shall commence, transact or carry on any business in the City without first having procured a license from the City to do so, or without complying with any and all regulations relating to licenses, contained in Chapter 12 of the Lodi City Code. All licenses shall be issued by the Director of Finance and shall be payable at the office of the Director of Finance.

Section 12. ~~Transferability of Ambulance Operator's Permit.~~

Application for transfer of any ambulance operator's permit shall be subject to the same terms, conditions, and requirements as if the application were for an original permit.

Section 13. Amendments to Permits.

Any person holding a permit to operate one or more ambulances as provided in this ordinance, who desires to change or amend said permit to substitute a different vehicle, or add another vehicle, for a vehicle operated under said permit, shall do so only when permit holder has notified the City Clerk.

Section 14. ~~Application - Change of Data~~

The applicant and permittee shall report to the Finance Director any change in the data required in Section _____ (application) within ten (10) days of the effective date of the change.

Section 15. Ambulance Operator's Permit: Suspension or
Revocation.

The City Manager may, after ten (10) days written notice to the ambulance operator and after having held a hearing following such notice, suspend or revoke an ambulance operator's permit for any of the following grounds:

(a) Any ground upon which it might deny the permit in the first instance;

(b) In the event of any violation of any provisions of this Part or any part of this ordinance;

(c) The failure to pay any judgment for damages arising from the operation of the vehicles, or any provision for which such permit was issued;

(d) That the requirements of Section ___ relating to liability insurance requirements are not met or fulfilled.

The actions of the City Manager in suspending and revoking said permit shall be subject to an appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the suspension or revocation of the permit. Upon failure to file such notice within the ten-day period, the actions of the City Manager in suspending or revoking the permit shall be final and conclusive.

PERSONNEL STANDARDS

Section 16. Drivers And Attendants.

(a) **Any** ambulance attendant or driver utilized by a permittee shall be at least eighteen (18) years of age; shall be trained and competent in the proper use of all emergency ambulance equipment; shall hold current certification as an emergency medical technician I-ambulance (EMT-I A); and shall demonstrate compliance with all applicable State laws and regulations.

(b) Certificate required. Every ambulance driver and attendant utilized by a permittee shall hold a certificate from the City Manager indicating compliance with the requirements of this section. A temporary permit may be issued, pending confirmation of all personnel requirements.

(c) Application. Applications for such certificate shall be in the form required by the Finance Director and shall be accompanied by the fee established by resolution of the City Council.

(d) Criminal Investigations. All applicants for ambulance driver/attendant certification must undergo a complete criminal history record check prior to issuance of a permanent certificate. The record check must be repeated every four (4) years.

(e) Denial Or Revocation. Certificates may be denied or revoked by the City Manager if he finds, after hearing, that the applicant does not comply with the requirements of this section. The City Manager shall deny the permit if the City Manager finds:

(1) That the applicant has been convicted of a felony and the period of five years has not expired from the date of termination of the confinement, parole and/or probation; or

(2) Said applicant has previously been convicted of one of the following misdemeanor violations and a period of three

years has not elapsed from the date of termination of confinement, parole and/or probation:

- a) Any theft from a person.
- b) Any crime involving driving a vehicle under the influence of alcohol and/or drugs.
- c) Any crime involving reckless driving.
- d) Any crime involving death and/or injury of another person while driving a vehicle.

(3) The applicant has not complied with the matters contained in **the** application.

(4) Term. The certificate shall remain in effect for a period of two (2) years.

Section 17. Uniform And Appearance. Each person providing ambulance service subject to permit under this division shall staff each ambulance with appropriate personnel who shall wear clean uniforms, be neat and comply with the requirements of this division.

Section 18. Type of Service.

Each operator must provide a minimum of one (1) Mobile Intensive Care Unit staffed and operated per San Joaquin County Emergency Medical Service Agency policies and procedures,

Section 19. Liability Insurance.

No owner's permit shall be issued or continued in operation unless there is in full force and effect during the

term hereof, a policy of insurance and in such form as the City Attorney may deem proper, executed by an insurance company approved by the City Attorney, whereby the owner and the driver of each of the vehicles described in said permit are insured against liability for damage to property and for injury to or death of any person as a result of the ownership, operation or other use thereof, the minimum liability limits upon each such vehicle being as adopted from time to time by resolution of the City Council.

Such policy of insurance shall contain an endorsement naming the City as an additional insured, and under which it is stipulated that the City is indemnified and held harmless from and against all costs, expenses, and liability arising out of, or based upon, any and all property damage, or damages for personal injuries, including death, which results or is claimed to have resulted from any act or omission on the part of ambulance operator or ambulance operator's agents or employees.

In addition to the additional named insured endorsement on ambulance operator's policy of insurance, said insurance policy shall be endorsed to include the following language:

"Such insurance as is afforded by the endorsement for the Additional Insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement."

Such policy of insurance shall contain an endorsement providing that said policy will not be cancelled until notice in writing shall have been given to the City of Lodi, addressed in care of the City Clerk, City Hall, Lodi, California, at least ten days immediately prior to the time of such cancellation shall become effective.

A duplicate or certificate of said public liability and property damage insurance containing the above-stated required endorsements shall be delivered to the City Clerk within ten (10) days after the issuance, and renewal, of said policy.

Section 20. Surrender of Suspended or Revoked Permits.

All permits which have been suspended or revoked by the City Council shall be surrendered to the Finance Director and the operation of all emergency ambulances covered by such permit shall cease and the continued operation thereof shall thereafter constitute a violation of this Part.

Section 21. Ambulance Station.

An ambulance operator shall establish a station within the City, and must provide an adequate response time considering traffic and street patterns, to any location within the City. All locations must comply with all applicable zoning and building regulations. Each station shall be adequate to house all drivers, attendants, and ambulances.

~~Section 22. Dispatch.~~

A Mobile Intensive Care Unit shall be the primary unit dispatched to all emergency calls to treat and transport the sick, injured, and disabled person or persons and shall be staffed by a minimum **of** one (1) emergency medical technician/paramedic and one (1) emergency medical technician (1A). Should a Mobile Intensive Care Unit not be available, a Basic Life Support Unit shall be dispatched and shall be staffed with a minimum of two (2) emergency medical technicians (1).

Section 23. Hours of Operation.

Each ambulance operator shall provide service on a seven (7) days per week, twenty-four (24) hours per day basis.

Section 24. Transport of Patient.

Unless otherwise directed, the emergency medical technician (1A) or emergency medical technician paramedic shall transport emergency patients to the most accessible emergency hospital equipped, staffed, and prepared to administer care appropriate to the needs of the patients, or as directed by the State or Federal Welfare and Institutions Codes.

Exceptions may prevent this policy. Examples are:

- (a) Private pay patients;
- (b) Multiple casualties, triage direction;
- (c) Paramedic directive.

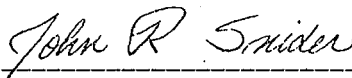
Section 25. Rates to be Charged for Ambulance Service.

The owner of every ambulance operating in the City of Lodi shall file with his application for an ambulance operator's permit, a true and correct schedule of rates to be charged for the transportation of passengers in any and all vehicles operated by said operator. Said rates shall not be changed or modified in any manner without first filing said changed or modified rates with the City Clerk thirty (30) days prior to the effective date of such change or modification.

The City Council reserves the right to finally determine and fix by resolution, the rates to be charged by the operator of the ambulance service.

Section 26 This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 6th day of March, 1985



Mayor

At test :


Alice M. Reimche
City Clerk


State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1347 was introduced at a regular meeting of the City Council of the City of Lodi held February 20, 1985 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 6, 1985 by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, Reid, Olson, and Snider (Mayor)
Noes: Council Members - None
Absent: Council Members - None
Abstain: Council Members - None


Alice M. Reimche
City Clerk

Approved as to form


Ronald M. Stein
City Attorney